

REMARKS

The Examiner has objected to the Abstract for the reasons set forth in paragraph 1. By this amendment Applicant has amended the Abstract in accordance with the recommendation set forth by the Examiner. It is respectfully submitted that the Abstract meets the requirements of MPEP 608.01(b).

The Examiner, in paragraph 3 of the Official Action, rejected claim 1 under 35 USC § 102(b) as being anticipated by Draper (U.S. 6,007,104) for the reasons set forth therein. Claim 1 has been amended to more precisely define and distinguish the present invention over the prior art. In particular claim 1 sets forth that the protective overlayer is substantially transparent and allows for reading of the machine-readable indicia on the image layer. The second machine-readable indicia is provided in a protective overlayer that is identical in content to and in registration with the first machine-readable indicia. The combination of having indicia on the first image layer and then having a second on the overlayer that is substantially transparent allows for enhanced readability and scanning of the indicia.

In the cited Draper patent, there are simply printed an indicia on two separate sheets. There is no teaching or suggestion that one can be used to enhance the readability of the indicia or that one is provided on a substantially transparent layer. Quite the contrary, the two are simply two discrete copies of the same form wherein the barcode had been printed on each. Since these are printed on each, it could not teach or suggest the substantially transparent overcoat as taught and claimed by Applicant nor could it teach or suggest the registration of the two to allow reading of the both at the same time as taught and claimed by Applicant.

In view of the foregoing, Applicant respectfully submits that claim 1 in its present form is in condition for allowance.

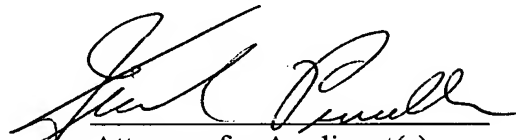
The Examiner, in paragraph 4, rejected claim 2 under 35 USC § 102(b) as being anticipated by Baxendale (U.S. 5,990,918) for the reasons set forth therein. Claim 2 has been amended to be directed to a method of reading a media wherein the first step is providing the media having a first indicia and a second step of providing a substantially transparent protective overlayer having a second indicia which has a physical topography that represents the machine-

readable code which is in registration with said first machine indicia. The claim further requires the step of reading the physical topography of the second indicia on an overlayer and said first indicia on said media so as to obtain information encoded therein and interpreting the encoded information so as to obtain said information. There is no teaching or suggestion in the '918 reference of providing first and second indicia that are identical in content to and in registration with each other as taught and claimed by Applicant nor reading of both indicias as claimed. As previously discussed with regard to claim 1, providing the combination of the two indicias as claimed enhances the ability for reading of the indicia. This is clearly not taught or suggested by the prior art.

New independent claim 3 is similar to claim 1 except directed to a method of providing indicia on a media and therefore is patentably distinct for the same reasons previously discussed with regard to claim 1.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Frank Pincelli', is written over a horizontal line.

Attorney for Applicant(s)
Registration No. 27,370

Frank Pincelli/phw
Rochester, NY 14650
Telephone: 585-588-2728
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.